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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SEANAH DIXON,

Plaintiff,

vs.

KENNETH WILLIAMS, *et al.*,

Defendants.

Case No. 2:24-cv-02103-APG-MDC

**DEFENDANTS' MOTION FOR
LEAVE TO FILE EXHIBITS 1, 3, 4, 5
AND 7 UNDER SEAL**

Defendants Kenneth Williams, Jeremy Bean, Mary Holt (Mary Manalastas), Jaymie Cabrera, Mark Hidrosollo and David Rivas, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby submits its Motion for Leave to File Exhibits 1, 3, 4, 5 and 7 *under seal* in support of Defendants' Response to This Court's Order to Show Cause (ECF 31). This Motion is based on the following Memorandum of Points and Authorities and all paper and pleadings on file in this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This is a response to Plaintiff's Response to Plaintiff's Request to Immediately Supplement Their Responses (ECF 50).

Defendants seek leave to file under seal, Exhibits 1, 3, 4, 5 and 7, which consist of Dixon's confidential medical records.

1 II. LEGAL STANDARD

2 LR IA 10-5(a) requires papers filed with the Court under seal to be accompanied by
 3 a motion for leave to file those documents under seal. See LR IA 10-5(a). Courts have
 4 recognized a general right of the public to inspect and copy public records and documents,
 5 including judicial records and documents. See *Kamakana v. City & Cnty. of Honolulu*,
 6 447 F.3d 1172, 1178 (9th Cir. 2006) (internal citation omitted). The strong presumption of
 7 public access must be overcome by a party seeking to seal a judicial record. See *Ctr. for*
 8 *Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (citing *Kamakana*,
 9 447 F.3d at 1178). This is a stringent standard, and a party must demonstrate “a
 10 compelling reason and [articulate] a factual basis . . . without relying on hypothesis or
 11 conjecture” to justify sealing court records. See *Ctr. for Auto Safety*, 809 F.3d at 1096–97.
 12 The “compelling reason” standard applies to any motion “more than tangentially related
 13 to the merits of a case[.]” but especially applies to dispositive motions. See *Id.* at 1100–01.
 14 What constitutes a compelling reason is within the discretion of the District Court,
 15 including items that could “gratify private spite or promote public scandal[.]” See *Id.* at
 16 1097.

17 III. DISCUSSION

18 Courts have recognized a general right of the public to inspect and copy public
 19 records and documents, including judicial records and documents. *Kamakana v. City and*
 20 *County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (internal citations omitted).
 21 Documents that have been traditionally kept secret, including grand jury transcripts and
 22 warrant materials in a pre-indictment investigation, come within an exception to the
 23 general right of public access. (*Id.*) Otherwise, “a strong presumption in favor of access is
 24 the starting point.” (*Id.*) (Internal citations omitted).

25 On a showing of specific facts supporting compelling reasons for sealing records,
 26 the court should conscientiously weigh the compelling reasons against the public’s right
 27 of access. (*Id.*) If the court finds the balance tips in favor of sealing the record, the court
 28 must articulate the factual basis for sealing the record without reliance on hypothesis or

1 conjecture. (*Id.* at 1179.) Proof of a risk that use of the records “might . . . become a
2 vehicle” for causing harm is “compelling reasons sufficient to outweigh the public’s
3 interest in disclosure and justify sealing court records.” (*Id.* at 1179) (Internal quotation
4 marks omitted).

5 Courts have consistently recognized that the need to protect sensitive medical
6 information is a compelling reason to seal records. See *San Ramon Regional Medical*
7 *Center, Inc. v. Principal Life Ins. Co.*, 2011 WL89931 at n.1 (N.D. Cal. Jan. 10, 2011);
8 *Abbey v. Hawaii Employers Mutual Ins. Co.*, 2010 WL4715793 at 1-2 (D.Hi. Nov. 15,
9 2010); *G. v. Hawaii*, 2010 WL267483 at 1-2 (D.Hi. June 25, 2010); *Wilkins v. Ahern*, 2010
10 WL3755654 (N.D.Cal. Sept. 24, 2010); *Lombardi v. TriWest Healthcare Alliance Corp.*,
11 2009 WL 1212170 at 1 (D. Ariz. May 4, 2009).

12 Exhibits 1, 3, 4, 5 and 8 to Defendants’ Response to Plaintiff’s Request to
13 Immediately Supplement Their Responses (ECF 50) contain confidential medical records
14 from Dixon’s medical file. There is little need for public disclosure of this information as
15 compared to the significant interest in preserving the confidentiality of this private and
16 sensitive information.

17 Accordingly, Exhibits 1, 3, 4, 5 and 7 consisting of Dixon’s medical records, should
18 be filed under seal to prevent their entry into the public record and to protect Dixon’s
19 confidentiality and institutional safety and security. Filing Exhibits 1, 3, 4, 5 and 8
20 under seal will not prejudice Dixon because a copy of these Exhibits will be provided to
21 Plaintiff’s Counsel.

22 **IV. CONCLUSION**

23 The need to protect the confidential nature of Dixon’s medical records, along with
24 the unique safety and security concerns presented in the prison context, are compelling
25 reasons to justify the filing of certain records under seal. For these reasons,

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Defendants respectfully requests this Court grant their Motion for Leave To File Exhibits 1, 3, 4, 5 and 7 under seal in support of Defendants' Response to Plaintiff's Request to Immediately Supplement Their Responses (ECF 50).

DATED this 1st day of May, 2025.

AARON D. FORD
Attorney General

By: /s/ Douglas R. Rands
DOUGLAS R. RANDS, Bar No. 3572
Senior Deputy Attorney General

Attorneys for Defendants

IT IS SO ORDERED:

Dated: May 13, 2025



ANDREW P. GORDON
CHIEF UNITED STATES DISTRICT JUDGE